Previous references.

File No. 11 of 02-03

1902.

Serial Nos. 1 — 5

(Banking)
Ins.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 5.

Part B. for

SUBJECT.

Insurance Policy of late Devasnani Amma, midwife of Malvally, delivered to her by the Treasury two days after the prescribed 30 days without a fresh medical certificate — validated.

Table of Contents.

Sl.1 No. 1901. dy. 21-5-03. From the Secy. Ins. Committee. Submitting Committee's Resolution No. II (1) and requesting to obtain early orders of Govt. thereon.

Sl.2 No. Fl. 26 dy. 3-7-03. To the Secy. Insurance Committee. Requesting that the information, suggested by Mr. Scott, may be furnished at an early date.

Sl.3 No. 48 dy. 7-7-03. From the Secy. Ins. Committee. Forwarding Copy of letter No. 47 dy. 7-7-03. to D.C. Mysore, requesting for a detailed and early report on the Case of the midwife.

Sl.4 G. R. S. 58 No. 419 dy. 4-9-03. From the Secy. Ins. Committee. Submitting Mysore D.C.'s letter No. 465 dy. 21-8-03 enclosing Malvalli Amildar's report about the case referred to above.

Sl.5. Fl. 1169 dy. 4-11-03. To the Secy. Ins. Com.ee. Accepting the recommendation of the Committee, in declaring the policy to be ~~Completed~~ and valid one.

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

‡1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

Subject.

Letter No 1901 & 21.5.03 from the Secretary to the Mysore State Life Insurance Committee, submitting for the orders of Govt. his office memo No: 115 ~~dt~~ & 4.11.02 on Policy No: 5184, with Committee's resolution No: 71 (i)

Note.

Policy No 5184 of Thavamani amma, late midwife at Malavalli, was ~~delivered to her~~ received at the Taluk Treasury on 3rd Dec 01 and delivered to her on 4th Jany 02 — 2 days after the due date, and the Amildar explained that this was owing to her absence on duty in the villages. The explanation was not accepted by the Insurance Secretary and the Amildar was asked to return the premium receipt and the Policy and to instruct the party to produce a fresh medical certificate under Rule 21. The Amildar stated in reply that as both the insured and her husband died subsequently, he could not get return the Policy. The delivery of the Policy not having been strictly according to the Rules the Amildar was written to

1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

A. Flag A.
B. Flag B.
C. Flag C.
D. Flag D.

intimate the heirs of the deceased insured that they will not be entitled to the benefits of the Policy

The memo of the Insurance Secretary & Flag E. containing the above ~~said~~ facts, with the correspondence on the subject, was circulated to the President and members of the Committee, with the result that the Committee passed on 9.5.03 a unanimous resolution (Mr. D. Flag F. H. V. Nanjundayya not voting) to move Govt to condone the ~~delay~~ delay of 2 days in the payment of the 1st premium and to declare the Policy a completed and valid one.

~~The~~ The points for consideration are :- (1) Rule 21 limits the period within which a Policy has to be delivered from a District or Taluk Treasury, to one month from the date of receipt in the District or Taluk Treasury.

(2) In the present case the delay of only 2 days was entirely due to the absence of the insured in villages on duty - a fault not her own.

(3) She died subsequently of plague, before the irregularity could have been rectified by a fresh medical certificate under R. 21, and her husband followed her.

(4) If, under the circumstances, the Policy be not declared valid, the orphan children left behind, will have to suffer for no fault of either their own or their mothers,

and thus the object of the scheme will have to be sacrificed on account of a technical objection.

Submitted for orders. J. W. Mackay

8/6 A M 8/6/03

The Auditor's authority to deliver the Policy was limited by time to 30 days. His ~~delay~~ act in delivering it after the period was ultra vires, and could not bind the Insurance Committee

The Contract of Insurance was not completed at all in this case. The issue of the Policy should be regarded as the Proposal by the Committee – to be in force for ~~30 days~~ one month. If, when it is in force, the Proposer pays the 1st premium, he accepts it & the Contract becomes a completed one. The acceptance was made in this case when the Proposal was (Constructively) withdrawn.

If this view is accepted (~~both~~ the Committee have virtually done so) the defect is certainly not a mere technical one. If Part is made, it will

amount, not to the discharge of any equitable or even moral obligation but to an act of charity.

The only circumstance in favour of the claim is, that the case was one of compulsory insurance and the proposer had no option to decline to receive the policy. If on this ground the validity is admitted, the consequences will be far-reaching and may lead to many inconveniences & difficulties.

I do not see very well how the ~~the~~ policy can be declared valid, but as both the father and mother are reported to be dead leaving orphan children, I hesitate to say that the reply should be a negative one unless orders are solicited before putting up a draft.

13/6/03

The Solicitor

VL 13/6/03

13.6.03 02584
10507

Please get this
memorandum typed
for Mr Scott.

VL
25.VI.03

27/6

Mr Clerk
VL 27/6/03

Rec'd 29/6. Draft issued 27/6

Note continued - on 25.6.03

As ordered by the Dewan, the Secretary, Insurance Committee, was requested to furnish, in formation, regarding Policy No 5184 of Thakamani amma late midwife at Malvally. He has accordingly subd the Malvally amildar's report recd through the D. C. Mysore

The amildar states that, ~~he~~ (1) at this distance of time he cannot assign reasons which prevented the midwife to take delivery of her Policy within the stipulated time, except that she was employed on Plague duty in the town, with the Hospl Asstt, whose report he also refers to, which is not received; (2) that she is reported to have died of plague, and had contracted no other disease which would have disqualified her for insurance; (3) that she has left behind her 2 sons & a ~~(4)~~ daughter aged 14, 12 & 6 respectively; (4) that both the parents of these orphans died within an interval of 24 hrs; (5) ~~that~~ and that the children being left destitute, they were taken to Bangalore Contonement by Father Bishop Clainer Roman Catholic, who happened to go to Malvalli then.

submitted for orders

17/9/03 18/9/03 24/9/03

To the

13165
25.9.03

04980
accept the recommendation
of the Committee.
24 X.03

27/10/3

Draft ordd
28/10/03

R 4087 1

1903

From E.R Subrayer Esqr. B.A. BCS.
~~The~~ Secretary to the
Mysore State Life
Insurance Committee,
Bangalore.

Serial No. 1

To H. V. Nanjundaiya Esqr. M.A. M.L.
Secretary to Government
Genl. & Revenue Dept. Bangalore

Dated 21

Despatched 23 May 1903.

Received

General No. 1901
No.

Enclosure No. 16 file

Submitting this Office
memo No: 115 of 4.11.02
with Committees resolution
no: II (1) and requesting
to obtain the early orders
of Government thereon

Read
4/6

G.N.R. 4081

OFFICE OF THE SECRETARY TO THE MYSORE
STATE LIFE INSURANCE COMMITTEE.

21st May 1903

No. 1901/23
Gen. file.

From C.R. Srinivasa Iyengar B.A., B.C.E.
The Secretary to the Mysore
State Life Insurance Committee, Bangalore.

To H. V. Nanjundiah Esqr. M.A., M.L.
Secretary to Government
Genl. & Rev. Depts. Bangalore.

Sir,

I have the honor to submit herewith this office memo No. 115 Dt. 4 November 1902 with Committee's resolution No. II (i) passed thereon at its meeting held on 9th May 1903 and to request you to be so good as to obtain the early orders of Government thereon. The memo may be kindly returned when no longer required.

I have the honor to be, Sir,
Your Most Obedient
Servant
M Eagles
Secretary, L.C.

Mysore Govt.
Genl & Rev Secretariat

Office Draft. (Docket.)

~~Mysore Dewan's Office~~,
Rev: Branch.

Serial No. 2.

To

The Secretary, Mysore
State Life Insurance
Committee

Date of passing the draft 3.7.03
Date of despatch 3

Regd. No. H 26.
File No. & date (if any)

No. of Encls. 1 file

His letter no 1901 dy
21.5.03 submitting for the
orders of Govt his memo
no 115 dy 4.11.02 on ~~re~~ Policy
no 5184, and the Committees
Resolution no II(1) ~~passed~~
thereon.

In forwarding herewith for
reference and ~~kind~~ return
the memo referred to above
has the honor to request
~~that the~~
~~to kindly make~~
~~enquiries and furnish~~
~~early~~, information ~~on the~~
~~points~~ suggested therein
by Mr Scott. may be
furnished at By Order
an early date) M 29/6/02
For Secretary

~~29/6~~

~~Postcard~~ 4

(General Serial No. 30.)

1903
~~189~~

From C. D. Subroyar Esqr
B.A. B.C.E.
Secretary Insurance Committee

To W. Kanthraj Urs Esqr B.A
Deputy Commissioner
Mysore District

Serial No. 3

Dated 7th

Despatched 9 July 1903

Received

Enclosures No.

General No. 47
No.

Adverting to Malavalli
Amildars nos 441 and 49
dated 4th March and
29th July 1902 respectively
has the honor to request
him to be so good as to
obtain and furnish very
early a detailed report
on the following.

1. Was Narasamma ... a
late ... devise at Malavalli
really prevented by
Government work to claim
her policy no 5184 from the
Malavalli Taluk Treasury
between 3rd December

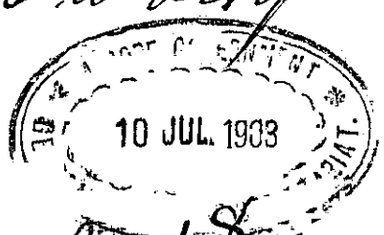
Central Jail Press, Bangalore.—14-1-93.—1,002.

and 4th January 1902 ?

(2) Whether the said Thavamanamma contracted any disease or other disqualification which had she survived would have been detected in the Medical Certificate required under Rule 21 and disqualified her for Insurance

(3) Who if any are her heirs and what are their circumstances in life

As the report has to be submitted to Government at very early as requested.



No. 48

1474

(Sd) E. R. Lubrayar Esqr.
Secretary
Insurance Committee

Copy to the Secretary to Government of Revenue General and Revenue departments

Fr Letter
R
16/7/03

E. R. Lubrayar
Secretary
Insurance Committee

6

MYSORE GOVERNMENT
GENERAL AND REVENUE SECRETARIAT
No. 4424
7/9 1903

From E.R. Lakeroya Esq B.A. B.C.E

The Secretary to the
Mysore State Life
Insurance Committee,
Bangalore.

Serial No. 4

To H.V. Nanjundaiah Esq M.A. L.
Secy to the Govt of Mysore
I.E. & Rev Depth

Dated 15
Despatched 4 September 1903
Received
General No. 419
No.

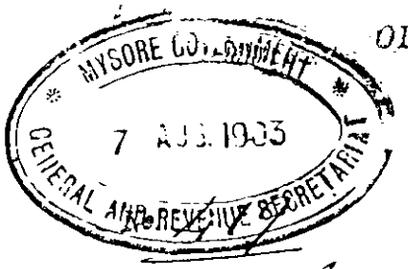
Enclosure No. 1 file

Submitting herewith
Mysore Deputy Commissioners
No: 465 of 21/22.8.03 enclosing
Mr Lawalle Amildars
report No: 25/226 of 2-8-03
together with this Office
Office memo No: 115 for
orders.

Recd
16/9/03

7

Q 9



Rec. 10th Aug.

OFFICE OF THE SECRETARY TO THE MYSORE STATE LIFE INSURANCE COMMITTEE.

Bangalore
15th September 1903
4

From E. R. Subbaraya Aiyar Esqr. B.A. B.C.E.
~~The~~ Secretary to the Mysore State Life Insurance Committee, Bangalore.

Let
Be Clerk
to
Ut 283

To H. V. Venjundayya Esqr. M.A. M.L.
~~The~~ Secretary to the Government of H. H.
the Maharaja of Mysore Bangalore

Sir,

In Continuation of my letter No 48 dated 7th July 1903 I have the honor to submit herewith the Deputy Commissioner's No 465 dated 21/22 nd August 1903 enclosing Mahalli Amildar's report No 25/226 dated 2nd August 1903. This office Memo No 115 forwarded with his docket No F. 26 dated 3rd July 1903 is also returned. I beg that these papers may be Kindly returned to the

office when no longer required

I have the honor to be

Sir

Your most obedient Servant

E. Whitney

Secretary

Insurance Committee

[illegible]

Mysore Govt. Gen. & Rev. Secretariat,
Revenue Branch.

File No. (if any) and its date—

Rw. H. 1169 DV
dy 4.11.03.
Ref to file 4

Office Draft.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read:- Correspondence ending with letter No. 419 dy 4.9.03 from the Secretary to the Mysore State Life Insurance Committee regarding the question of validity or otherwise of Policy No. 5184 of Thavamaniamma late midwife at Malvalli.

Serial No. 5.

Order:-

Policy No. 5184 was delivered to the insured 2 days after the expiry of one month from the date of its receipt at the Taluk Treasury, contrary to Rule 21 and Insurance office circular instructions, and the explanation of the Amildar that the delay was owing to the absence of the insured on duty in the villages was not accepted. Before the policy could be got back

10

and the insured asked to produce a fresh medical certificate under Rule 21 for the revisiving of the policy, it was reported that both she and her husband had died of plague leaving behind two orphan children

2. The question whether, under the circumstances, the policy could be considered a completed and valid one was referred to the Committee for their opinion, who resolved that Govt may be moved to favourably consider the case & to condone the delay of 2 days in the payment of the 1st premium & to declare the policy a completed and valid one.

3. Govt are accordingly pleased to accept the recommendation of the Committee.

28/10/03

30/10/03
Secretary.

The Secretary to the Ellyore State Life Insurance Committee, returning his of Recd Memo Consd 2/11/03